

**BOARD OF APPEALS CASE NO. 5000**

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**BEFORE THE**

**APPLICANT: Richard Fodel**

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**ZONING HEARING EXAMINER**

**REQUEST: Variance to construct an addition within the required 40 foot rear yard setback; 411 Tanglewood Court, Joppa**

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**OF HARFORD COUNTY**

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**Hearing Advertised**

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**Aegis: 12/29/99 & 1/5/00**

**HEARING DATE: February 16, 2000**

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**Record: 12/31/99 & 1/7/00**

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### **ZONING HEARING EXAMINER'S DECISION**

The Applicant, Richard Fodel, is requesting a variance to Ordinance 6 (1957 Zoning Ordinance), Section 10.05 of the Harford County Zoning Regulations, to construct an addition within the 40 foot rear yard setback in an R3 Urban Residential District/Community Development Project.

The subject property is located at 411 Tanglewood Court, Joppatowne Section VI, Part Four, in the First Election District. The parcel is more specifically identified as Parcel No. 166, Lot 53, in Grid 1C, on Tax Map 69. The parcel contains .28 acres, more or less, all of which is zoned R3/CDP.

The Applicant, Mr. Fodel, appeared and testified that he is requesting a variance to build a 5 foot by 8 foot bathroom on the rear of his house on top of an existing deck. Mr. Fodel stated that in order to construct this addition, he needs a four foot variance which would reduce the required 40 foot setback to 36 feet. The Applicant testified that the property is unique because it is located on a cul-de-sac. The house was placed on the lot well behind the minimum building setback because of the lot's shape and location and this has significantly reduced the useable area to the rear of the home. The Applicant stated that he did not believe that approval of the request would be substantially detrimental to adjoining properties or materially impair the purpose of the Code because of the shape of the lot and the placement of other houses on the adjoining properties in the cul-de-sac. No witnesses appeared in opposition to the request.

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Mr. Anthony McClune, from the Department of Planning and Zoning, appeared and testified that the Department is recommending approval of the request. Mr. McClune noted that the property is unique based upon the configuration of the lot, its location on the cul-de-sac and the curve of the road which led to placement of the dwelling on the property well back from the minimum setback line. The builder, in order to keep the dwelling in line with others on the cul-de-sac, placed the dwelling in the center of the property, greatly reducing the available building area. In addition, a wooded drainage swale located in the back of the property provides an open space area which serves as a natural buffer between the subject dwelling and the other dwellings to the rear of the property. As a result, Mr. McClune testified that the requested variance would have no adverse impact or detrimental effects on the adjacent properties, nor would it materially impair the purpose of the Code.

### **CONCLUSION:**

The Applicant is requesting a variance to Ordinance 6 (1957 Zoning Ordinance), Section 10.05 of the Harford County Zoning Regulations, to construct a 5 by 8 foot addition within the required 40 foot rear yard setback. The Applicant is seeking a four foot variance, which would reduce the rear yard setback to 36 feet.

The uncontradicted testimony of the Applicant and the Department of Planning and Zoning is that the subject parcel is unique due to its location on a cul-de-sac and the placement of the dwelling on the property well back from the minimum front setback lines, reducing the buildable area in the rear of the lot. Both witnesses testified that there would be no substantial detriment to the adjoining properties, particularly because of the wooded swale across the back of the lot which serves as a natural buffer between the Applicant's dwelling and other dwellings to the rear of the property. Neither witness believes that approval of the variance would materially impair the purpose of the Code.

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It is the finding of the Hearing Examiner that the subject property is unique for the reasons stated by the Applicant and the Department of Planning and Zoning in their testimony and, further, that approval of the variance will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code.

Therefore, it is the recommendation of the Hearing Examiner that the requested variance to reduce the rear yard setback to 36 feet be approved, subject to the Applicant obtaining all necessary permits and inspections.

Date      MARCH 9, 2000

Valerie H. Twanmoh  
Zoning Hearing Examiner